

REMARKS

Claims 1 - 11, 13, 15, 17 - 21, 23 and 24 are in this application and are presented for consideration. By this Amendment, Applicant has canceled independent claim 22 in favor of new claims 23 and 24. Claims 12, 14 and 16 have also been canceled.

Original claims 1 - 7, 9, 11 - 18 and 20 - 21 have been rejected as being anticipated by Nogas et al. (U.S. 6,351,535).

By this Amendment, Applicant has highlighted important aspects of the invention which differ from the prior art as a whole including Nogas et al. Claim 1 has been amended to highlight the provision of the fixing surface on the housing and the engagement surface of the single piece stand as centrally located relative to the spaced apart hinge mounting structure. This is significant from the standpoint of the pivoting structure being different from the centrally located fixing structure. This is particularly advantageous as highlighted in claim 11 with the further provision of the finger catch release portion also being centrally located whereby the deflection of the engagement portion is via release portion closely and centrally located. Further, the pivot structure is fully capable of functioning without any interference from the fixing structure. This is further important as highlighted in several claims including claims 8, 19 and new claim 23 wherein the fixing structure fixes a range of angular positions with the inner surface of the stand facing the support (for example a desk surface) whereas the pivots allow a movement of the stand outside of the fixable angular positions, namely to a position in which the inner surface is facing the housing. The various cooperating features provide significant advantages and present a different approach as compared to the teachings of Nogas

et al. and the prior art as a whole. The Nogas et al. reference fails to suggest the combination of features of claim 1 including the centrally arranged fixing element and independent and separate spaced apart pivot mounting structure. Nogas et al. directs the person of ordinary skill in the art to provide the pivot structure, namely the curved portions 22 and 24 that are disposed in nested relationship where these also include a latch fixing structure. However, with this, the fixing surface has openings which allow only a predefined number of angular position settings. This does not allow for example the flipping over of the stand as per the invention, namely between the position shown in Fig. 2 and the wall mount position shown in Fig. 4. With the latch structure formed on the pivot cylindrical surfaces, the functionality of the structure is significantly restricted. As Nogas et al. fails to direct the person of ordinary skill in the art toward the structure of claim 1, it is requested that the rejection of claim 1 be reconsidered in view of the amendments and in view of the discussion above.

As noted above, the central location of the resilient latch structure and the spaced apart and thereby independent pivot mount allows functionality which is not attained with Nogas et al. Revised claim 11 highlights this structure in combination with the provision of the resilient latching member extending from a first edge of the stand, between the spaced apart first hinge mount and second hinge mount. Further, this resilient structure is formed with first and second legs and an intermediate portion with the engagement surface. This defines a through opening allowing a convenient positioning of the finger catch release portion. This physical arrangement achieves the significant advantage that a user can engage the finger engaging portion from the back of the phone to raise the angle of the phone in a simple manner. Although Nogas et al.

has an opening for engaging a lever structure to active the latch this must be done from underneath the phone base and this must actuate laterally disposed latch protuberances 62. With the invention, the location for actuation is centrally located providing less material that is resilient or needs to be deformed and the access to this region is advantageously provided, particularly based on the through opening. As this combination of features is neither taught nor suggested by Nogas et al., it is requested that the Examiner favorably reconsider claim 11.

Applicant also requests reconsideration of the rejected dependent claims for the reason as noted above. Further, claims such as claims 3, 13 and 15 define the fixing surface and engagement surface with a directional aspect. With the preferred embodiment this is provided with the angle of the teeth. This results in no need for active deflection (actuation) in one direction of adjustment and requires actuation in the other direction. Nogas et al. discloses with protuberances 62 and recesses 64 that have the same interaction in each direction. As such, Nogas et al. fails to teach or suggest the combination of features of claims 3, 13 and 15.

Original claims 8, 19 and 22 were rejected based on the combination of Nogas et al. in view of Jarrett (U.S. 5,432,836). This rejection is based on the position that Jarrett teaches the concept of providing a wall mounting and disposing the wall mounting parts would be obvious.

---

Applicant's new claim 23 is similar to original claim 22 but more clearly highlights the feature of the invention that the inner surface, which faces the support (the desk surface) through the range of angular positions that the stand may be fixed relative to the housing, can be moved into a position facing the housing for a wall mount. With this an outer surface with a wall mount part of the stand spaced from a wall mount part of the housing. This combination

of features is clearly neither taught nor suggested by Nogas et al.

The Jarrett reference discloses a wedge-shaped element which can be connected in one of two positions on the housing so as to change the angular position and more particularly to go from a wall mount state to an angled desk mount state. However, this structure is not provided in combination with a pivot and most notably is not provided in combination with a pivoting stand having a resilient latching member which can fix the pivoting stand within a range of angular positions with an inner surface of the stand facing the support (such as a desk support) with this also being pivoted to a desk mount position which presents the outer surface with wall mount part in a predetermined position relative to a wall mount part of the housing. The references together fail to provide any direction or teaching to the person of ordinary skill in the art which would motivate the person of ordinary skill in the art to provide the features in combination as claimed. Accordingly, reconsideration of the rejection of claims 8 and 19 is requested and favorable consideration of new claim 23 is requested.

Claim 10 has been rejected as being obvious based on Nogas et al. in view of Gala et al. (U.S. 4,617,428). The Gala et al. reference is cited for teaching guide cables and the like for telephones. However, the reference fails to suggest the provision of such guide cables on a stand which is pivotable relative to the housing and which can move relative to the housing in a range of angular positions with the inner side of the stand facing the support and being moved into a wall mount position with the outer surface of the stand facing a wall support. This is significant as Applicant's cable guides cooperate with the stand so as to present a cable organization and direction feature which is useful both with the outer surface facing away from

the desk support as well as the outer surface facing toward the wall support. Accordingly, reconsideration of the rejection of claim 10 is requested.

It is requested that the Examiner favorably consider the application in view of the revised claims and in view of the discussion above.

Respectfully submitted  
for Applicant,

By: 

John James McGlew  
Registration No. 31,903  
McGLEW AND TUTTLE, P.C.

JJM:jj/tf  
71125.7

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS AMENDMENT IN RESPONSE TO THE OFFICE ACTION DATED AUGUST 16, 2005 FOR SERIAL NO. 10/673,726 (15 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER 571-273-8300 ON THE DATE SHOWN BELOW.

ToniAnn Fonte  
NAME OF PERSON SIGNING CERTIFICATION

ToniAnn Fonte  
SIGNATURE

DATED: November 16, 2005  
McGLEW AND TUTTLE, P.C.  
BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
TELEPHONE: (914) 941-5600  
FACSIMILE: (914) 941-5855